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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

CLINT HENRIKSEN,)	
)	Cause No. _____
Plaintiff,)	
)	COMPLAINT
-vs.-)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	

COMES NOW Plaintiff, by and through counsel, and for his claim states and alleges as follows:

1. Plaintiff Clint Henriksen is a resident of Polson, Lake County, Montana.
2. On or about February 25, 2008, Plaintiff was riding as a passenger in a vehicle traveling south on Highway 93, just outside Polson, Montana.
3. The driver of the vehicle Plaintiff was riding in slowed and came to a stop behind a

vehicle making a lefthand turn off of the highway. A Two Eagle River School bus, driven by Melvin Madplume, crashed into the back of the vehicle Plaintiff was riding in, smashing the vehicle between the school bus and vehicle waiting to turn off the highway.

4. Upon information and belief, the Confederated Salish & Kootenai Tribes (CSKT) operate the Two Eagle River School.
5. At the time of the accident, Melvin Madplume was an employee of the CSKT, and was acting in the course and scope of his employment.
6. Upon information and belief, CSKT is an Indian Contractor under the Indian Self-Determination and Educational Assistant Act and therefore, Plaintiff's exclusive remedy for his claim is against the United States pursuant to 28 U.S.C. § 2401.
7. This action arises under the Federal Tort Claims Act, 28 U.S.C. § 1346, *et. seq.* This Court has original jurisdiction of Plaintiff's claim.
8. Mr. Madplume's negligent driving was the proximate cause of the collision.
9. As a result of Mr. Madplume's negligence, who is an agent of the Defendant and whose negligence is imputed to Defendant, Plaintiff suffered serious physical, mental, and emotional injuries.
10. Plaintiff is entitled to recover damages for his injuries, such as pain and suffering, emotional distress, mental anguish, past and future costs of health care, therapy, and medications, lost wages and lost earning capacity, loss of his ability to enjoy life and destruction of his normal course of life.
11. Venue rests in this District pursuant to 28 U.S.C. § 1391.

12. Pursuant to 28 U.S.C. § 2675, the claim set forth herein was presented in a timely manner to the Defendant through submission to the United States Department of the Interior, Office of the Solicitor, Portland Region. Plaintiff's claim was denied on March 22, 2010. This action is therefore timely instituted.

WHEREFORE, Plaintiff Clint Henriksen prays for judgment and an award of damages in the amount of \$120,000.00 to compensate him for all damages proved at trial, for the costs of this action, and for such further relief as the Court deems just and proper.

DATED this 10th day of August, 2010.

/s/ Ann L. Moderie, Esq.

ANN L. MODERIE, Esq.

Manley Law Firm

Attorneys for Plaintiff